

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (previously presented): An apparatus for preventing an unqualified person from driving a vehicle, comprising:  
  
a marker detector provided in the vehicle to detect a qualified person marker held by a driver having a driving qualification appropriate for driving the vehicle only when the driver holds the qualified person marker opposite the marker detector; and  
  
a control unit for continuously monitoring an output from the marker detector and taking a predetermined measure to ensure safety when a state occurs in which the qualified person marker is not detected.
2. (previously presented): The apparatus as claimed in claim 1, wherein the measure is a warning for appealing to the sense of sight or the sense of hearing of the driver
3. (previously presented): The apparatus as claimed in claim 1, wherein the measure is stopping the driving of the vehicle.
4. (previously presented): The apparatus as claimed in claim 1, wherein the measure comprises a warning for appealing to the sense of sight or the sense of hearing of the driver and the stopping of the driving of the vehicle is performed after the warning.
5. (previously presented): The apparatus as claimed in claim 1, wherein the measure is released when the marker detector again detects the qualified person marker.

6. (previously presented): The apparatus as claimed in claim 1, wherein the control unit takes the measure when a state occurs in which the qualified person marker is not detected for a predetermined time period.

7. (previously presented): The apparatus as claimed in claim 1, further comprising a driver detector for detecting the presence or absence of a driver riding on the vehicle,

wherein the control unit takes the measure when the qualified person marker is not detected by the marker detector and the driver is detected by the driver detector.

8. (previously presented): An apparatus for preventing an unqualified person from driving a vehicle, comprising:

a marker detector provided in a floor of a cab of the vehicle to detect a qualified person marker provided in a shoe worn by a driver having a driving qualification appropriate for driving the vehicle; and

a control unit for monitoring an output from the marker detector and taking a predetermined measure to ensure safety when a state occurs in which the qualified person marker is not detected.

9. (previously presented): The apparatus as claimed in claim 8, wherein the measure is a warning for appealing to the sense of sight or the sense of hearing of the driver.

10. (previously presented): The apparatus as claimed in claim 8, wherein the measure is stopping the driving of the vehicle.

11. (previously presented): The apparatus as claimed in claim 8, wherein the measure comprises a warning for appealing to the sense of sight or the sense of hearing of the driver and a stopping the driving of the vehicle after the warning.

12. (previously presented): The apparatus as claimed in claim 8, wherein the marker detector detects the qualified person when the qualified person marker provided in a shoe is disposed opposite the marker detector provided in the floor of the cab.

13. (currently amended): A qualified person marker for use with a vehicle equipped with a marker detector for preventing an unqualified driver from driving the vehicle, the marker comprising:

a receiving antenna;

a power source unit connected to the receiving antenna and configured to generate an electrical power signal in response to an electromagnetic signal coupling into the receiving antenna;

a modulation unit powered by the electrical power signal and configured to modulate a signal identifying the qualified person marker and indicating that a driver of the vehicle is qualified to drive the vehicle; and

a sending antenna connected to the modulation unit and configured to transmit the modulated signal, wherein the qualified marker is disposed in a shoe of a driver qualified to drive the vehicle.

14. (canceled).

AMENDMENT UNDER 37 C.F.R. § 1.116

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15. (previously presented): The qualified person marker claimed in claim 13, wherein the receiving antenna receives the electromagnetic signal from a marker detector located in the vehicle only when the qualified person marker is placed opposite the marker detector.